

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1557 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL RATILAL RANCHHODBHAI

Versus

MANIBEN D/O PATEL PRABHUDAS GIRDHAR  
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Appearance:

MR KC SHAH for Petitioners  
MR NILESH A PANDYA for Respondent Nos.1 to 5  
None present for Respondent No.6  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/2000

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties, order impugned in this civil revision application does not call for any interference of this court under section 115 of the Civil Procedure Code. It is not in dispute

that the defendant No.1 is alive and so long as she is alive, though no final opinion can be given, prima facie, what the court said may not be incorrect. They may not have any right on the basis of this will. Otherwise also they have already filed the suit being Special Civil Suit No.185/94 in which the defendant No.1 is also a party. Mr.Pandya, learned counsel for the respondent nos. 1 to 5 has brought to the notice of the court another important fact that, this application is filed at the stage when in the suit evidence of both the parties thereto were over and the matter is fixed for arguments.

2. The suit is of the year 1994 and it is difficult to accept that the petitioners will not have knowledge of the suit. This application is filed after 11 years of the filing of the suit. In the result, this civil revision application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs. Learned trial court is directed to dispose of the suit finally within a period of two months from the date of the receipt of the writ of this order or certified copy thereof whichever is earlier.

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